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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,938	01/11/2001	Kari Kirjavainen	HEIN 13.968	3394

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EXAMINER

VO, HAI

ART UNIT PAPER NUMBER

1771

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/759,938

Applicant(s)

KIRJAVAINEN ET AL.

Examiner

Hai Vo

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☒ Newly proposed or amended claim(s) 34-50 and 60-66 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 34-50 and 60-66.

Claim(s) objected to: _____.

Claim(s) rejected: 1,2,4-17 and 27-33.

Claim(s) withdrawn from consideration: 51-59.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because: It is noted that the processing step of making the electret film has now been included in the claims. The amendment has been carefully reviewed and entered. However, the amendment does not significantly show any structural distinction over the prior art. In light of the specification at page 5, lines 12-17, the inflation from a prefoamed plastic film would produce the film having a "strongly foamed film product", "high foaming degree", "increased thickness without increasing the amount of plastic material". The examiner takes the position that such recitations "strongly foamed film product", "high foaming degree", "increased thickness without increasing the amount of plastic material" are directed to relative terms and the claims do not ascertain to what degree the claimed product is strongly foamed or how thick the claimed product can be. What may be considered to one skilled in the art as "strongly foamed" may be considered by another skilled in the foam art as "weakly foamed" and vice versa. Kirjavainen discloses the film being foamed and having a thickness of 10 microns (column 1, lines 30-35 and 61). Therefore, it is the examiner's position that the Kirjavainen broadly discloses the "strongly foamed film product", "high foaming degree", "increased thickness without increasing the amount of plastic material". Accordingly, the art rejections over Kirjavainen are thus sustained. The 112 claim rejections and claim objections have been overcome by the present amendment and response (the third full paragraph at page 13 of Applicant's amendment filed on 02/09/04. Claims 34-50 and 60-66 are therefore allowable.



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